

HOUSE BILL 298  
By Kernell

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 7, relative to political activities of district  
attorneys general.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by  
adding the following language as a new, appropriately designated section:

**§ 8-7-113.**

(a) For purposes of this section:

(1) "Election" means primary and general elections, including  
partisan elections, nonpartisan elections, and retention elections;

(2) "Knowingly" means a person acting with actual knowledge of  
the fact in question and may be inferred from circumstances;

(3) "Law" means court rules, statutes, constitutional  
provisions, and decisional law;

(4) "Members of the candidate's family" means a spouse, child,  
grandchild, parent, grandparent, or other relative or person with whom the  
candidate maintains a close familial relationship;

(5) "Political organization" means a political party or other group  
whose principal purpose is to further the election of candidates to political  
office.

(b) Except as allowed by subsection (d), a district attorney general or a  
candidate for election to the office of district attorney general shall not:

(1) Act as a leader or hold an office in a political organization;

(2) Publicly endorse or publicly oppose another candidate for public office;

(3) Make speeches on behalf of a political organization;

(4) Solicit funds for or pay an assessment to a political organization or a political candidate; or

(5) Make a contribution to a political candidate.

(c) A candidate for election to the office of district attorney general:

(1) Becomes a candidate for the office of district attorney general as soon as a person makes a public announcement of candidacy, declares or files as a candidate with the election authority, or authorizes solicitation or acceptance of contributions or support;

(2) Shall maintain the dignity appropriate to the office of district attorney general and act in a manner consistent with the integrity and independence of the office of district attorney general, and shall encourage members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(3) Shall prohibit employees and officials who serve at the pleasure of the candidate, and shall discourage other employees and officials subject to the candidate's direction and control, from doing on the candidate's behalf what the candidate is prohibited from doing under this section;

(4) Except to the extent allowed by item (d)(3)(A), shall not authorize or knowingly permit any other person to do for the candidate what the candidate is prohibited from doing under this section.

(d) A district attorney general or candidate for the office of district attorney general may, except as otherwise prohibited by law:

(1) At any time

(A) Purchase tickets for and attend political gatherings, subject to the limitations in item (d)(1)(C);

(B) Establish an identity as a member of a political party; and

(C) Contribute to a political organization or a political candidate in an amount up to the limitations provided in § 2-10-301, et seq.;

(2) When campaigning for election

(A) Speak to gatherings on the candidate's own behalf;

(B) Appear in newspaper, television and other media advertisements supporting the candidate's own campaign for election; and

(C) Distribute pamphlets and other promotional campaign information supporting the candidate's own campaign for election.

(3)

(A) A candidate shall not personally solicit or accept campaign contributions. A candidate may personally solicit publicly stated support and establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums, and other means not prohibited by law. Such committees are not prohibited from soliciting and accepting campaign contributions and public

support from lawyers. A candidate's committees may solicit and accept contributions for the candidate's campaign no earlier than one hundred eighty (180) days before an election and no later than ninety (90) days after the last election in which the candidate participates during the election year. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others.

(B) Candidates for the office of district attorney general must comply with all requirements of state law with regard to campaign finances, including but not limited to, all statutes relating to financial disclosure and campaign contribution limits.

(e) Except as otherwise prohibited by law, a candidate for the office of district attorney general may permit the candidate's name to:

(1) Be listed on election materials along with the names of other candidates for elective public office and

(2) Appear in promotions of a ticket.

(f) A district attorney general's alleged violation of this section shall be treated in the same manner as if such district attorney general were a judge covered by Rule 10 of the Rules of the Supreme Court.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.